

Wolff Law Offices, PLLC
Response To Election/Restriction and Amendment

Appl. Ser. No. 10/657,188

REMARKS

Applicant thanks Supervisory Primary Examiner Denion for a telephone discussion with the undersigned on October 10, 2006. Applicant thanks Supervisory Primary Examiner Denion for his feedback during this telephone conversation regarding the restriction of claims in the Election/Restriction notice dated September 15, 2006. Further, Applicant thanks Supervisory Primary Examiner Denion for his insight regarding how the claims of the present application may or may not fit within the current USPTO patent classification system and his willingness to identify class and subclass 123/673 as an alternative classification. As a result, Applicant has responded herein by amending claims 1, 3, 4, 6-21, 23 and 24 to more clearly be directed to a single invention found in class and subclass 60/285. Your kindness is deeply appreciated.

Applicant hereby submits this Response and Amendment to respond to the Election/Restriction notice dated September 15, 2006. Claims 1-24 have been examined. Claims 1, 3, 4, 6-21, 23 and 24 have been amended to more clearly claim the invention of the subject application. Applicant notes for the record that these claim amendments are made to facilitate the Examiner's understanding that all claims are related to a single invention and that none of the claim amendments are made for reasons of patentability.

The September 15, 2006, Office Action restricted the claims under 35 USC 121 to either: (1) Group I having claims 1-11, 13, 16, and 21-24, drawn to an exhaust gas aftertreatment system and method with engine fuel, air, or ignition controlled by sensor of reactor condition, classified in class 60, subclass 285; (2) Group II having claims 12, 14, 15, 17, and 18, drawn to a charge forming device or method including exhaust gas condition responsive means combined with engine condition responsive means such as engine load responsive means, classified in class 123.

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subclass 681; or (3) Group III, having claims 19-20 drawn to poppet valve operating mechanism and method with means for varying timing, classified in class 123, subclass 90.15.

Initially upon review of the September 15, 2006 Office Action, Applicant concluded that it was appropriate to traverse at least a portion of the restriction requirement. After discussing the restriction requirement with Supervisory Primary Examiner Denion in a telephone conversation on October 10, 2006, however, Applicant realizes that the claimed technology and invention may not easily fit within the class(es) and subclass(es) currently provided by the USPTO, and thus may be a problem with regard to adequately examining the above-referenced application. Therefore, Applicant has amended the claims of the above-referenced application to be more clearly directed to fit within the current USPTO class and subclass 60/285 and will consider filing a continuation at a later date to pursue claims similar to those originally filed or directed more clearly to class and subclass 123/673. Therefore, Applicant respectfully requests that all of claims, claims 1-24, as now amended in this response, be examined together.

Throughout the specification of the present application, the heating of the catalyst at cold start, varying the gas treatment, and diagnosing a catalyst may each be used as part of the various embodiments directed at operating, heating, and/or diagnosing a catalytic converter system. Although the steps may be used separately, contrary to the Examiner's statement, they are clearly disclosed as "capable of use together." (See, for example, the Summary section of the specification.) As noted in paragraph 20, the "invention provides methods of controlling exhaust gases from an engine's individual cylinders to improve overall catalytic converter performance, and may do so while also diagnosing proper operation" The claims as amended are now more clearly directed to the same invention of fuel control and air-fuel control

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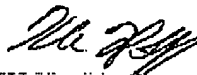
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as may be classified in class and subclass 60/285. Further, to make the relationship clear, Applicant has amended claims 1, 3, 4, 6-21, 23 and 24 so that each group now includes a catalyst too. Thus, Applicant respectfully submits that all the claims in the application, claims 1-24, should be examined together, and respectfully request that they be examined together.

As required by the rules, Applicant hereby provisionally elects one of the groups, Group I having claims 1-11, 13, 16, and 21-24, for Examination. However, Applicant respectfully submits that as a result of the revisions to Claims 1, 3, 4, 6-21, 23 and 24 presented in this Response, all claims are directed to the same invention, are found in the same search group(s), and should be examined together.

If for any reason the Examiner believes that the present application is not now in condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below or on my mobile telephone at 703-731-7220.

Respectfully submitted,


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